



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,536	05/18/2005	Zion Azar	127/04496	6013
44909 PRTSI P.O. Box 16446 Arlington, VA 22215	7590 06/21/2010		EXAMINER RALIS, STEPHEN J	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 06/21/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/535,536	AZAR ET AL.	
	Examiner	Art Unit	
	STEPHEN J. RALIS	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 February 2010.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 7,9-11,13-16 and 18-36 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 7,9-11,13-16 and 18-36 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 24 August 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>6/21/2009 and 5/24/2010</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicant is respectfully requested to provide a location within the disclosure to support any further amendments to the claims due to when filing an amendment an applicant should show support in the original disclosure for new or amended claims. See MPEP § 714.02 and § 2163.06 (“Applicant should specifically point out the support for any amendments made to the disclosure.”).

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 7, 9-11, 13-15, 18 and 24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 11,571,753 in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181).

Claims 1 and 2 of copending Application No. 11,571,753 disclose a hair cutting head, for use in a hair cutting apparatus comprising: an elongated heated wire suitable for shaving, cutting or burning hair growing from a skin surface; and a blunt debris removal element, situated and configured to remove debris or scorched hair residue from the skin after shaving, cutting or burning by the heated wire; and the blunt debris removing element comprises a blunt scraper element, situated and configured to scrape

against and remove scorched hair residue from the skin after shaving, cutting or burning by the heated wire.

Claims 1 and 2 of copending Application No. 11,571,753 discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for b) an electrostatically charged element adapted for collecting cut hair; collecting the hair cuttings from the skin of the user with an electrostatically charged element; collecting the cut hair into a receptacle; and a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing.

However, an electrostatically charged element for collecting hair having the structure asserted above is known in the art. Kelman, for example, teaches a hair cutting apparatus comprising an electrostatically charged element adapted for collecting cut hair (page 6, line 24 – page 7, line 3). Kelman further discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40); including moving the heated elongate element along the surface of the skin of an area from which hair is to be removed by hand (see Figures 1A, 1B, 2A, 3A, 4); and the elongate element being located external to the housing (see Figure 4). Kelman further teaches such a configuration provides a means of collecting loose hairs.

With respect to the claim 18 and 24, Kelman additionally discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being

constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets "a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing" given its broadest reasonable interpretation.

Similarly, DE20206181 teaches a suction and electrostatic charged device for collecting loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor (English translation abstract), thereby increasing the operating efficiency of the apparatus.

Therefore, in view of Kelman, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the hair cutting and singing apparatus with the electrostatically charged element and configuration thereof, adapted for collecting cut hair to collect loose hairs, since as evidenced by DE20206181, utilizing such a configuration provides a means to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element for

collecting hair) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Kelman and DE20206181. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of claims 1 and 2 of copending Application No. 11,571,753 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element for collecting hair in claims 1 and 2 of copending Application No. 11,571,753 would positively provide a means to collect loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

This is a provisional obviousness-type double patenting rejection.

4. Claims 16, 19-23 and 25-36 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 11,571,753 in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181) as applied to claims 7, 9-11, 13-15, 18 and 24 above, and further in view of Bermingham (U.S. Patent No. 3,045,345).

With respect to the limitations of claims 19, 21, 25, 27, 31 and 33, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam

18). In addition, Kelman teaches the electrostatically charged element being opposite the cutting element (laser beam 18).

With respect to the limitations of claim 20, 22, 23, 26, 28, 29, 32, 35 and 36, Kelman discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element.

With respect to the limitations claims 30 and 34, Kelman discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

claims 1 and 2 of copending Application No. 11,571,753 in view of Kelman and DE20206181 discloses all of the limitations of the claimed invention, as previously set forth, except for the electrostatically charged element being charged by friction of the

element with the skin of a user as it is moved along the skin; the electrostatically charged element contacts the skin after the hair has been cut.

However, an electrostatically charged element being charged by friction as it is moved along the skin is known in the art. Bermingham, for example, teach a shear plate (14) constructed of a dielectric material that is adapted to develop a static electrical charge by friction, a charge is developed and retained therein on being brought into contact with the skin (column 1, lines 14-20; column 2, lines 26-55). Bermingham further teaches the advantage of such a configuration automatically provides an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify claims 1 and 2 of copending Application No. 11,571,753 in view of Kelman and DE20206181 with the electrostatically charged element being charged by friction as it is moved along the skin of Bermingham in order to automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element being charged by friction as it is moved along the skin) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Bermingham. Accordingly, one of ordinary skill in the art would have been capable of

applying this known "improvement" technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of claims 1 and 2 of copending Application No. 11,571,753 in view of Kelman and DE20206181 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element being charged by friction as it is moved along the skin in claims 1 and 2 of copending Application No. 11,571,753 in view of Kelman and DE20206181 would positively automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

As asserted above, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). Bermingham teaches the contacting surface (plate 14) contacting the skin during the shaving process. Since Kelman discloses the electrostatically charged element being opposite the heated elongated element (laser beam 18), as asserted above, and Bermingham teaches the electrical static generating surface being in contact with the skin, claims 1 and 2 of copending Application No. 11,571,753 in view of Kelman, and DE20206181 and Bermingham fully meets "the apparatus is adapted to be moved along the skin and wherein the outcropping is spaced from the heated elongate element such that the electrostatically charged element contacts the skin after the hair has been cut" given its broadest reasonable interpretation.

Again, as asserted above, Kelman teaches the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element, as asserted above. Bermingham further teach the electrostatically charging plate (14) being on the contact face of the hair cutting device.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 7, 9-11, 13-15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (U.S. Patent No. 558,465) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181).

With respect to the limitations of claim 7, Bell discloses a hair cutting apparatus (Title) comprising a structure (comb A; see Figure 1) adapted for contacting an area of skin having hair (hair cutter and singer would have to contact skin in order to cut/singe hair), the apparatus comprising: a) a heat-generating heated elongate element (platinum wire k; page 1, line 94 – page 2, line 12; see Figures 1, 2) producing heat heated to a temperature sufficient to cut hair, mounted on the structure (comb A; see Figure 1).

With respect to the limitations of claim 9, Bell discloses the heated element being a wire (platinum wire k).

With respect to the limitations of claim 10, Bell discloses the apparatus being a hand held apparatus (comb) adapted to be pressed against the skin of a user and cut hair on said skin (page 1, line 94 – page 2, line 12; see Figures 1, 2).

With respect to the limitations of claim 11, Bell discloses a method of collecting cut hair, comprising: a) cutting hair with a heated elongate element (platinum wire k; page 1, line 94 – page 2, line 12; see Figures 1, 2).

With respect to the limitations of claim 14, Bell discloses the heated elongate element being a wire (platinum wire k).

With respect to the limitations of claim 15, Bell discloses including moving the heated elongate element (platinum wire k) along the surface of the skin of an area from which hair is to be removed by hand (comb; page 1, line 94 – page 2, line 12; see Figures 1, 2).

Bell discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for b) an electrostatically charged element adapted for collecting cut hair; collecting the hair cuttings from the skin of the user with an electrostatically charged element; collecting the cut hair into a receptacle; and a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing.

However, an electrostatically charged element for collecting hair having the structure asserted above is known in the art. Kelman, for example, teaches a hair cutting apparatus comprising an electrostatically charged element adapted for collecting cut hair (page 6, line 24 – page 7, line 3). Kelman further discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40); including moving the heated elongate element along the surface of the skin of an area from which hair is to be

removed by hand (see Figures 1A, 1B, 2A, 3A, 4); and the elongate element being located external to the housing (see Figure 4). Kelman further teaches such a configuration provides a means of collecting loose hairs.

With respect to the claim 18 and 24, Kelman additionally discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also discloses a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Similarly, DE20206181 teaches a suction and electrostatic charged device for collecting loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor (English translation abstract), thereby increasing the operating efficiency of the apparatus.

Therefore, in view of Kelman, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the hair cutting and singing apparatus with the electrostatically charged element and configuration thereof, adapted

for collecting cut hair to collect loose hairs, since as evidenced by DE20206181, utilizing such a configuration provides a means to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element for collecting hair) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Kelman and DE20206181. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Bell and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element for collecting hair in Bell would positively provide a means to collect loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

9. Claims 16, 19-23 and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (U.S. Patent No. 558,465) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181) as applied to claims 7, 9-11, 13-15, 18 and 24 above, and further in view of Bermingham (U.S. Patent No. 3,045,345).

With respect to the limitations of claims 19, 21, 25, 27, 31 and 33, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). In addition, Kelman teaches the electrostatically charged element being opposite the cutting element (laser beam 18).

With respect to the limitations of claim 20, 22, 23, 26, 28, 29, 32, 35 and 36, Kelman discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element.

With respect to the limitations claims 30 and 34, Kelman discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Bell in view of Kelman and DE20206181 discloses all of the limitations of the claimed invention, as previously set forth, except for the electrostatically charged element being charged by friction of the element with the skin of a user as it is moved along the skin; the electrostatically charged element contacts the skin after the hair has been cut.

However, an electrostatically charged element being charged by friction as it is moved along the skin is known in the art. Bermingham, for example, teach a shear plate (14) constructed of a dielectric material that is adapted to develop a static electrical charge by friction, a charge is developed and retained therein on being brought into contact with the skin (column 1, lines 14-20; column 2, lines 26-55). Bermingham further teaches the advantage of such a configuration automatically provides an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bell in view of Kelman and DE20206181 with the electrostatically charged element being charged by friction as it is moved along the skin of Bermingham in order to automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element being

charged by friction as it is moved along the skin) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Bermingham. Accordingly, one of ordinary skill in the art would have been capable of applying this known "improvement" technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Bell in view of Kelman and DE20206181 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element being charged by friction as it is moved along the skin in Bell in view of Kelman and DE20206181 would positively automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

As asserted above, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). Bermingham teaches the contacting surface (plate 14) contacting the skin during the shaving process. Since Kelman discloses the electrostatically charged element being opposite the heated elongated element (laser beam 18), as asserted above, and Bermingham teaches the electrical static generating surface being in contact with the skin, Bell in view of Kelman, and DE20206181 and Bermingham fully meets "the apparatus is adapted to be moved along the skin and wherein the outcropping is spaced from the heated elongate element such that the electrostatically charged element contacts the skin after the hair has been cut" given its broadest reasonable interpretation.

Again, as asserted above, Kelman teaches the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element, as asserted above. Bermingham further teach the electrostatically charging plate (14) being on the contact face of the hair cutting device.

10. Claims 7, 9-11, 13-15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seide (U.S. Patent No. 589,445) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181).

With respect to the limitations of claim 7, Seide discloses a hair cutting apparatus (Title) comprising a structure (see Figures 1-3) adapted for contacting an area of skin having hair (hair cutter and singer would have to contact skin in order to cut/singe hair), the apparatus comprising: a) a heat-generating heated elongate element (filament or wire 9; page 1, lines 56-58; page 2, lines 13-24; see Figures 1-3) producing heat heated to a temperature sufficient to cut hair, mounted on the structure (page 2, lines 13-24; see Figures 1-3).

With respect to the limitations of claim 9, Seide discloses the heated element being a wire (filament or wire 9).

With respect to the limitations of claim 10, Seide discloses the apparatus being a hand held apparatus (comb) adapted to be pressed against the skin of a user and cut hair on said skin (page 2, lines 13-24; see Figures 1-3).

With respect to the limitations of claim 11, Seide discloses a method of collecting cut hair, comprising: a) cutting hair with a heated elongate element (filament or wire 9; page 1, lines 56-58; page 2, lines 13-24; see Figures 1-3).

With respect to the limitations of claim 14, Seide discloses the heated elongate element being a wire (filament or wire 9).

With respect to the limitations of claim 15, Seide discloses including moving the heated elongate element (filament or wire 9) along the surface of the skin of an area from which hair is to be removed by hand (page 2, lines 13-24; see Figures 1-3).

Seide discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for b) an electrostatically charged element adapted for collecting cut hair; collecting the hair cuttings from the skin of the user with an electrostatically charged element; collecting the cut hair into a receptacle; and a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing.

However, an electrostatically charged element for collecting hair having the structure asserted above is known in the art. Kelman, for example, teaches a hair cutting apparatus comprising an electrostatically charged element adapted for collecting cut hair (page 6, line 24 – page 7, line 3). Kelman further discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40); including moving the heated elongate element along the surface of the skin of an area from which hair is to be removed by hand (see Figures 1A, 1B, 2A, 3A, 4); and the elongate element being

located external to the housing (see Figure 4). Kelman further teaches such a configuration provides a means of collecting loose hairs.

With respect to the claim 18 and 24, Kelman additionally discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Similarly, DE20206181 teaches a suction and electrostatic charged device for collecting loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor (English translation abstract), thereby increasing the operating efficiency of the apparatus.

Therefore, in view of Kelman, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the hair cutting and singing apparatus with the electrostatically charged element and configuration thereof, adapted for collecting cut hair to collect loose hairs, since as evidenced by DE20206181, utilizing

such a configuration provides a means to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element for collecting hair) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Kelman and DE20206181. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Bell and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element for collecting hair in Seide would positively provide a means to collect loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

11. Claims 16, 19-23 and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seide (U.S. Patent No. 589,445) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181) as applied to claims 7, 9-11, 13-15, 18 and 24 above, and further in view of Bermingham (U.S. Patent No. 3,045,345).

With respect to the limitations of claims 19, 21, 25, 27, 31 and 33, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). In addition, Kelman teaches the electrostatically charged element being opposite the cutting element (laser beam 18).

With respect to the limitations of claim 20, 22, 23, 26, 28, 29, 32, 35 and 36, Kelman discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element.

With respect to the limitations claims 30 and 34, Kelman discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Seide in view of Kelman and DE20206181 discloses all of the limitations of the claimed invention, as previously set forth, except for the electrostatically charged element being charged by friction of the element with the skin of a user as it is moved along the skin; the electrostatically charged element contacts the skin after the hair has been cut.

However, an electrostatically charged element being charged by friction as it is moved along the skin is known in the art. Bermingham, for example, teach a shear plate (14) constructed of a dielectric material that is adapted to develop a static electrical charge by friction, a charge is developed and retained therein on being brought into contact with the skin (column 1, lines 14-20; column 2, lines 26-55). Bermingham further teaches the advantage of such a configuration automatically provides an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Seide in view of Kelman and DE20206181 with the electrostatically charged element being charged by friction as it is moved along the skin of Bermingham in order to automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element being

charged by friction as it is moved along the skin) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Bermingham. Accordingly, one of ordinary skill in the art would have been capable of applying this known "improvement" technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Seide in view of Kelman and DE20206181 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element being charged by friction as it is moved along the skin in Seide in view of Kelman and DE20206181 would positively automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

As asserted above, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). Bermingham teaches the contacting surface (plate 14) contacting the skin during the shaving process. Since Kelman discloses the electrostatically charged element being opposite the heated elongated element (laser beam 18), as asserted above, and Bermingham teaches the electrical static generating surface being in contact with the skin, Seide in view of Kelman, and DE20206181 and Bermingham fully meets "the apparatus is adapted to be moved along the skin and wherein the outcropping is spaced from the heated elongate element such that the electrostatically charged element contacts the skin after the hair has been cut" given its broadest reasonable interpretation.

Again, as asserted above, Kelman teaches the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element, as asserted above. Bermingham further teach the electrostatically charging plate (14) being on the contact face of the hair cutting device.

12. Claims 7, 9-11, 13-15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase (U.S. Patent No. 1,744,525) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181).

With respect to the limitations of claim 7, Chase discloses a hair cutting apparatus (Title) comprising a structure (see Figures 1-3) adapted for contacting an area of skin having hair (hair cutter and singer would have to contact skin in order to cut/singe hair), the apparatus comprising: a) a heat-generating heated elongate element (heating element/wire 11; page 1, lines 21-37, 72-75, 88-96; see Figures 1-3) producing heat heated to a temperature sufficient to cut hair, mounted on the structure (page 1, lines 21-37, 72-75, 88-96; see Figures 1-3).

With respect to the limitations of claim 9, Chase discloses the heated element being a wire (heating element/wire 11).

With respect to the limitations of claim 10, Chase discloses the apparatus being a hand held apparatus (comb) adapted to be pressed against the skin of a user and cut hair on said skin (page 1, lines 21-37, 72-75, 88-96; see Figures 1-3).

With respect to the limitations of claim 11, Chase discloses a method of collecting cut hair, comprising: a) cutting hair with a heated elongate element (heating element/wire 11; page 1, lines 21-37, 72-75, 88-96; see Figures 1-3).

With respect to the limitations of claim 14, Chase discloses the heated elongate element being a wire (heating element/wire 11).

With respect to the limitations of claim 15, Chase discloses including moving the heated elongate element (heating element/wire 11) along the surface of the skin of an area from which hair is to be removed by hand (page 1, lines 21-37, 72-75, 88-96; see Figures 1-3).

Chase discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for b) an electrostatically charged element adapted for collecting cut hair; collecting the hair cuttings from the skin of the user with an electrostatically charged element; collecting the cut hair into a receptacle; and a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing.

However, an electrostatically charged element for collecting hair having the structure asserted above is known in the art. Kelman, for example, teaches a hair cutting apparatus comprising an electrostatically charged element adapted for collecting cut hair (page 6, line 24 – page 7, line 3). Kelman further discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40); including moving the heated elongate element along the surface of the skin of an area from which hair is to be

removed by hand (see Figures 1A, 1B, 2A, 3A, 4); and the elongate element being located external to the housing (see Figure 4). Kelman further teaches such a configuration provides a means of collecting loose hairs.

With respect to the claim 18 and 24, Kelman additionally discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also discloses a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Similarly, DE20206181 teaches a suction and electrostatic charged device for collecting loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor (English translation abstract), thereby increasing the operating efficiency of the apparatus.

Therefore, in view of Kelman, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the hair cutting and singing apparatus with the electrostatically charged element and configuration thereof, adapted

for collecting cut hair to collect loose hairs, since as evidenced by DE20206181, utilizing such a configuration provides a means to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element for collecting hair) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Kelman and DE20206181. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Chase and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element for collecting hair in Chase would positively provide a means to collect loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

13. Claims 16, 19-23 and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase (U.S. Patent No. 1,744,525) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181) as applied to claims 7, 9-11, 13-15, 18 and 24 above, and further in view of Birmingham (U.S. Patent No. 3,045,345).

With respect to the limitations of claims 19, 21, 25, 27, 31 and 33, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). In addition, Kelman teaches the electrostatically charged element being opposite the cutting element (laser beam 18).

With respect to the limitations of claim 20, 22, 23, 26, 28, 29, 32, 35 and 36, Kelman discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element.

With respect to the limitations claims 30 and 34, Kelman discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Chase in view of Kelman and DE20206181 discloses all of the limitations of the claimed invention, as previously set forth, except for the electrostatically charged element being charged by friction of the element with the skin of a user as it is moved along the skin; the electrostatically charged element contacts the skin after the hair has been cut.

However, an electrostatically charged element being charged by friction as it is moved along the skin is known in the art. Bermingham, for example, teach a shear plate (14) constructed of a dielectric material that is adapted to develop a static electrical charge by friction, a charge is developed and retained therein on being brought into contact with the skin (column 1, lines 14-20; column 2, lines 26-55). Bermingham further teaches the advantage of such a configuration automatically provides an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Chase in view of Kelman and DE20206181 with the electrostatically charged element being charged by friction as it is moved along the skin of Bermingham in order to automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element being

charged by friction as it is moved along the skin) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Bermingham. Accordingly, one of ordinary skill in the art would have been capable of applying this known "improvement" technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Chase in view of Kelman and DE20206181 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element being charged by friction as it is moved along the skin in Chase in view of Kelman and DE20206181 would positively automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

As asserted above, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). Bermingham teaches the contacting surface (plate 14) contacting the skin during the shaving process. Since Kelman discloses the electrostatically charged element being opposite the heated elongated element (laser beam 18), as asserted above, and Bermingham teaches the electrical static generating surface being in contact with the skin, Chase in view of Kelman, and DE20206181 and Bermingham fully meets "the apparatus is adapted to be moved along the skin and wherein the outcropping is spaced from the heated elongate element such that the electrostatically charged element contacts the skin after the hair has been cut" given its broadest reasonable interpretation.

Again, as asserted above, Kelman teaches the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element, as asserted above. Bermingham further teach the electrostatically charging plate (14) being on the contact face of the hair cutting device.

14. Claims 7, 9-11, 13-15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hills (U.S. Patent No. 2,727,132) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181).

With respect to the limitations of claim 7, Hills discloses a hair cutting apparatus (Title) comprising a structure (see Figures 1-3, 6-8) adapted for contacting an area of skin having hair (hair cutter and singer would have to contact skin in order to cut/singe hair), the apparatus comprising: a) a heat-generating heated elongate element (singeing member 14; column 1, lines 53-64; column 2, line 32; column 3, lines 29-31, 39-41, 48-52; column 3, lines 16-72; see Figures 1-3, 6-8) producing heat heated to a temperature sufficient to cut hair, mounted on the structure (column 1, lines 53-64; column 3, lines 16-72; see Figures 1-3, 6-8).

With respect to the limitations of claim 9, Hills discloses the heated element being a wire (singeing member 14; column 3, lines 29-31, 39-41, 48-52; column 3, lines 16-28).

With respect to the limitations of claim 10, Hills discloses the apparatus being a hand held apparatus (see Figures 1-3, 6-8) adapted to be pressed against the skin of a user and cut hair on said skin (column 1, lines 53-64; column 3, lines 16-72; see Figures 1-3, 6-8).

With respect to the limitations of claim 11, Hills discloses a method of collecting cut hair, comprising: a) cutting hair with a heated elongate element (singeing member 14; column 1, lines 53-64; column 2, line 32; column 3, lines 29-31, 39-41, 48-52; column 3, lines 16-72; see Figures 1-3, 6-8).

With respect to the limitations of claim 14, Hills discloses the heated elongate element being a wire (singeing member 14; column 3, lines 29-31, 39-41, 48-52; column 3, lines 16-28).

With respect to the limitations of claim 15, Hills discloses including moving the heated elongate element (singeing member 14; column 3, lines 29-31, 39-41, 48-52; column 3, lines 16-28) along the surface of the skin of an area from which hair is to be removed by hand (column 1, lines 53-64; column 3, lines 16-72; see Figures 1-3, 6-8).

Hills discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for b) an electrostatically charged element adapted for collecting cut hair; collecting the hair cuttings from the skin of the user with an electrostatically charged element; collecting the cut hair into a receptacle; and a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing.

However, an electrostatically charged element for collecting hair having the structure asserted above is known in the art. Kelman, for example, teaches a hair cutting apparatus comprising an electrostatically charged element adapted for collecting cut hair (page 6, line 24 – page 7, line 3). Kelman further discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40); including moving the heated elongate element along the surface of the skin of an area from which hair is to be removed by hand (see Figures 1A, 1B, 2A, 3A, 4); and the elongate element being located external to the housing (see Figure 4). Kelman further teaches such a configuration provides a means of collecting loose hairs.

With respect to the claim 18 and 24, Kelman additionally discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also discloses a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets "a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing" given its broadest reasonable interpretation.

Similarly, DE20206181 teaches a suction and electrostatic charged device for collecting loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor (English translation abstract), thereby increasing the operating efficiency of the apparatus.

Therefore, in view of Kelman, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the hair cutting and singing apparatus with the electrostatically charged element and configuration thereof, adapted for collecting cut hair to collect loose hairs, since as evidenced by DE20206181, utilizing such a configuration provides a means to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element for collecting hair) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Kelman and DE20206181. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Hills and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element for collecting hair in Hills would positively provide a means to collect loose hairs in order to prevent the cutting of hairs from falling

in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

15. Claims 16, 19-23 and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hills (U.S. Patent No. 2,727,132) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181) as applied to claims 7, 9-11, 13-15, 18 and 24 above, and further in view of Bermingham (U.S. Patent No. 3,045,345).

With respect to the limitations of claims 19, 21, 25, 27, 31 and 33, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). In addition, Kelman teaches the electrostatically charged element being opposite the cutting element (laser beam 18).

With respect to the limitations of claim 20, 22, 23, 26, 28, 29, 32, 35 and 36, Kelman discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element.

With respect to the limitations of claims 30 and 34, Kelman discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also discloses a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element

may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Hills in view of Kelman and DE20206181 discloses all of the limitations of the claimed invention, as previously set forth, except for the electrostatically charged element being charged by friction of the element with the skin of a user as it is moved along the skin; the electrostatically charged element contacts the skin after the hair has been cut.

However, an electrostatically charged element being charged by friction as it is moved along the skin is known in the art. Bermingham, for example, teach a shear plate (14) constructed of a dielectric material that is adapted to develop a static electrical charge by friction, a charge is developed and retained therein on being brought into contact with the skin (column 1, lines 14-20; column 2, lines 26-55). Bermingham further teaches the advantage of such a configuration automatically provides an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hills in view of Kelman and DE20206181 with the

electrostatically charged element being charged by friction as it is moved along the skin of Bermingham in order to automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element being charged by friction as it is moved along the skin) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Bermingham. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Hills in view of Kelman and DE20206181 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element being charged by friction as it is moved along the skin in Hills in view of Kelman and DE20206181 would positively automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

As asserted above, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). Bermingham teaches the contacting surface (plate 14) contacting the skin during the shaving process. Since Kelman discloses the

electrostatically charged element being opposite the heated elongated element (laser beam 18), as asserted above, and Bermingham teaches the electrical static generating surface being in contact with the skin, Hills in view of Kelman, and DE20206181 and Bermingham fully meets "the apparatus is adapted to be moved along the skin and wherein the outcropping is spaced from the heated elongate element such that the electrostatically charged element contacts the skin after the hair has been cut" given its broadest reasonable interpretation.

Again, as asserted above, Kelman teaches the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element, as asserted above. Bermingham further teach the electrostatically charging plate (14) being on the contact face of the hair cutting device.

16. Claims 7, 9-11, 13-15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. Patent No. 2,231,219) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181).

With respect to the limitations of claim 7, Peterson discloses a hair cutting apparatus (Title) comprising a structure (see Figures 1-3) adapted for contacting an area of skin having hair (razor would have to contact skin in order to cut/singe hair), the apparatus comprising: a) a heat-generating heated elongate element (wire 3; column 2, line 8 – column 3, line 2; see Figures 1-3) producing heat heated to a temperature

sufficient to cut hair, mounted on the structure (column 2, line 8 – column 3, line 2; see Figures 1-3).

With respect to the limitations of claim 9, Peterson discloses the heated element being a wire (wire 3).

With respect to the limitations of claim 10, Peterson discloses the apparatus being a hand held apparatus (see Figures 1-3) adapted to be pressed against the skin of a user and cut hair on said skin (column 2, line 8 – column 3, line 2; see Figures 1-3).

With respect to the limitations of claim 11, Peterson discloses a method of collecting cut hair, comprising: a) cutting hair with a heated elongate element (wire 3; column 2, line 8 – column 3, line 2; see Figures 1-3).

With respect to the limitations of claim 14, Peterson discloses the heated elongate element being a wire (wire 3; column 2, line 8 – column 3, line 2; see Figures 1-3).

With respect to the limitations of claim 15, Peterson discloses including moving the heated elongate element (wire 3; column 2, line 8 – column 3, line 2; see Figures 1-3) along the surface of the skin of an area from which hair is to be removed by hand (wire 3; column 2, line 8 – column 3, line 2; see Figures 1-3).

Peterson discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for b) an electrostatically charged element adapted for collecting cut hair; collecting the hair cuttings from the skin of the user with an electrostatically charged element; collecting the cut hair into a receptacle; and a housing

adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing.

However, an electrostatically charged element for collecting hair having the structure asserted above is known in the art. Kelman, for example, teaches a hair cutting apparatus comprising an electrostatically charged element adapted for collecting cut hair (page 6, line 24 – page 7, line 3). Kelman further discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40); including moving the heated elongate element along the surface of the skin of an area from which hair is to be removed by hand (see Figures 1A, 1B, 2A, 3A, 4); and the elongate element being located external to the housing (see Figure 4). Kelman further teaches such a configuration provides a means of collecting loose hairs.

With respect to the claim 18 and 24, Kelman additionally discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for

holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing" given its broadest reasonable interpretation.

Similarly, DE20206181 teaches a suction and electrostatic charged device for collecting loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor (English translation abstract), thereby increasing the operating efficiency of the apparatus.

Therefore, in view of Kelman, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the hair cutting and singing apparatus with the electrostatically charged element and configuration thereof, adapted for collecting cut hair to collect loose hairs, since as evidenced by DE20206181, utilizing such a configuration provides a means to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element for collecting hair) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Kelman and DE20206181. Accordingly, one of ordinary skill in the art would have been capable of applying this known "improvement" technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Peterson and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element for collecting hair in

Peterson would positively provide a means to collect loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

17. Claims 16, 19-23 and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. Patent No. 2,231,219) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181) as applied to claims 7, 9-11, 13-15, 18 and 24 above, and further in view of Bermingham (U.S. Patent No. 3,045,345).

With respect to the limitations of claims 19, 21, 25, 27, 31 and 33, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). In addition, Kelman teaches the electrostatically charged element being opposite the cutting element (laser beam 18).

With respect to the limitations of claim 20, 22, 23, 26, 28, 29, 32, 35 and 36, Kelman discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element.

With respect to the limitations claims 30 and 34, Kelman discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and

attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Peterson in view of Kelman and DE20206181 discloses all of the limitations of the claimed invention, as previously set forth, except for the electrostatically charged element being charged by friction of the element with the skin of a user as it is moved along the skin; the electrostatically charged element contacts the skin after the hair has been cut.

However, an electrostatically charged element being charged by friction as it is moved along the skin is known in the art. Bermingham, for example, teach a shear plate (14) constructed of a dielectric material that is adapted to develop a static electrical charge by friction, a charge is developed and retained therein on being brought into contact with the skin (column 1, lines 14-20; column 2, lines 26-55). Bermingham further teaches the advantage of such a configuration automatically provides an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peterson in view of Kelman and DE20206181 with the electrostatically charged element being charged by friction as it is moved along the skin of Bermingham in order to automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element being charged by friction as it is moved along the skin) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Bermingham. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Peterson in view of Kelman and DE20206181 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element being charged by friction as it is moved along the skin in Peterson in view of Kelman and DE20206181 would positively automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

As asserted above, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the

heated elongated element (laser beam 18). Bermingham teaches the contacting surface (plate 14) contacting the skin during the shaving process. Since Kelman discloses the electrostatically charged element being opposite the heated elongated element (laser beam 18), as asserted above, and Bermingham teaches the electrical static generating surface being in contact with the skin, Peterson in view of Kelman, and DE20206181 and Bermingham fully meets "the apparatus is adapted to be moved along the skin and wherein the outcropping is spaced from the heated elongate element such that the electrostatically charged element contacts the skin after the hair has been cut" given its broadest reasonable interpretation.

Again, as asserted above, Kelman teaches the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element, as asserted above. Bermingham further teach the electrostatically charging plate (14) being on the contact face of the hair cutting device.

18. Claims 7, 9-11, 13-15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saffady (U.S. Patent No. 2,386,409) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181).

With respect to the limitations of claim 7, Saffady discloses a hair cutting apparatus (electrically heated knife) comprising a structure (see Figures 1-3) adapted for contacting an area of skin having hair (heated knife would contact skin if utilized for

cutting hair), the apparatus comprising: a) a heat-generating heated elongate element (fine resistance cutting wire 23; column 1, lines 26-41; column 2, lines 10-13) producing heat heated to a temperature sufficient to cut hair, mounted on the structure (column 1, lines 1-3).

With respect to the limitations of claim 9, Saffady discloses the heated element being a wire (fine resistance cutting wire 23).

With respect to the limitations of claim 10, Saffady discloses the apparatus being a hand held apparatus (see Figures 1-3) adapted to be pressed against the skin of a user and cut hair on said skin (column 1, lines 1-3; see Figures 1-3).

With respect to the limitations of claim 11, Saffady discloses a method of collecting cut hair, comprising: a) cutting hair with a heated elongate element (fine resistance cutting wire 23; column 1, lines 26-41; column 2, lines 10-13; see Figures 1-3).

With respect to the limitations of claim 14, Saffady discloses the heated elongate element being a wire (fine resistance cutting wire 23; column 1, lines 26-41; column 2, lines 10-13; see Figures 1-3).

With respect to the limitations of claim 15, Saffady discloses including moving the heated elongate element (wire 3; column 2, line 8 – column 3, line 2; see Figures 1-3) along the surface of the skin of an area from which hair is to be removed by hand (column 1, lines 1-3; see Figures 1-3).

Saffady discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for b) an electrostatically charged element adapted

for collecting cut hair; collecting the hair cuttings from the skin of the user with an electrostatically charged element; collecting the cut hair into a receptacle; and a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing.

However, an electrostatically charged element for collecting hair having the structure asserted above is known in the art. Kelman, for example, teaches a hair cutting apparatus comprising an electrostatically charged element adapted for collecting cut hair (page 6, line 24 – page 7, line 3). Kelman further discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40); including moving the heated elongate element along the surface of the skin of an area from which hair is to be removed by hand (see Figures 1A, 1B, 2A, 3A, 4); and the elongate element being located external to the housing (see Figure 4). Kelman further teaches such a configuration provides a means of collecting loose hairs.

With respect to the claim 18 and 24, Kelman additionally discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically

charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets "a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing" given its broadest reasonable interpretation.

Similarly, DE20206181 teaches a suction and electrostatic charged device for collecting loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor (English translation abstract), thereby increasing the operating efficiency of the apparatus.

Therefore, in view of Kelman, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the hair cutting and singing apparatus with the electrostatically charged element and configuration thereof, adapted for collecting cut hair to collect loose hairs, since as evidenced by DE20206181, utilizing such a configuration provides a means to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element for collecting hair) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Kelman and DE20206181. Accordingly, one of ordinary skill in the art would have been capable of applying this known "improvement" technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Saffady and the results would have been predictable to one

of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element for collecting hair in Saffady would positively provide a means to collect loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

19. Claims 16, 19-23 and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saffady (U.S. Patent No. 2,386,409) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181) as applied to claims 7, 9-11, 13-15, 18 and 24 above, and further in view of Bermingham (U.S. Patent No. 3,045,345).

With respect to the limitations of claims 19, 21, 25, 27, 31 and 33, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). In addition, Kelman teaches the electrostatically charged element being opposite the cutting element (laser beam 18).

With respect to the limitations of claim 20, 22, 23, 26, 28, 29, 32, 35 and 36, Kelman discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element.

With respect to the limitations claims 30 and 34, Kelman discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate

element (laser beam 18) (see Figure 4). Kelman also discloses a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Saffady in view of Kelman and DE20206181 discloses all of the limitations of the claimed invention, as previously set forth, except for the electrostatically charged element being charged by friction of the element with the skin of a user as it is moved along the skin; the electrostatically charged element contacts the skin after the hair has been cut.

However, an electrostatically charged element being charged by friction as it is moved along the skin is known in the art. Bermingham, for example, teaches a shear plate (14) constructed of a dielectric material that is adapted to develop a static electrical charge by friction, a charge is developed and retained therein on being brought into contact with the skin (column 1, lines 14-20; column 2, lines 26-55). Bermingham further teaches the advantage of such a configuration automatically provides an attracting force

for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Saffady in view of Kelman and DE20206181 with the electrostatically charged element being charged by friction as it is moved along the skin of Bermingham in order to automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element being charged by friction as it is moved along the skin) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Bermingham. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Saffady in view of Kelman and DE20206181 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element being charged by friction as it is moved along the skin in Saffady in view of Kelman and DE20206181 would positively automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

As asserted above, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). Bermingham teaches the contacting surface (plate 14) contacting the skin during the shaving process. Since Kelman discloses the electrostatically charged element being opposite the heated elongated element (laser beam 18), as asserted above, and Bermingham teaches the electrical static generating surface being in contact with the skin, Saffady in view of Kelman, and DE20206181 and Bermingham fully meets "the apparatus is adapted to be moved along the skin and wherein the outcropping is spaced from the heated elongate element such that the electrostatically charged element contacts the skin after the hair has been cut" given its broadest reasonable interpretation.

Again, as asserted above, Kelman teaches the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element, as asserted above. Bermingham further teach the electrostatically charging plate (14) being on the contact face of the hair cutting device.

20. Claims 7, 9-11, 13-15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. Patent No. 3,093,724) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181).

With respect to the limitations of claim 7, Johnson discloses a hair cutting apparatus (Title) comprising a structure (see Figures 1-4) adapted for contacting an area of skin having hair (hair singer would have to contact skin in order to cut/singe hair), the apparatus comprising: a) a heat-generating heated elongate element (wire blade 4; column 1, line 24 – column 2, line 16; see Figures 1-4) producing heat heated to a temperature sufficient to cut hair, mounted on the structure (column 1, line 24 – column 2, line 16).

With respect to the limitations of claim 9, Johnson discloses the heated element being a wire (wire blade 4).

With respect to the limitations of claim 10, Johnson discloses the apparatus being a hand held apparatus (see Figures 1-4) adapted to be pressed against the skin of a user and cut hair on said skin (column 1, line 24 – column 2, line 16; see Figures 1-4).

With respect to the limitations of claim 11, Johnson discloses a method of collecting cut hair, comprising: a) cutting hair with a heated elongate element (wire blade 4; column 1, line 24 – column 2, line 16; see Figures 1-4).

With respect to the limitations of claim 14, Johnson discloses the heated elongate element being a wire (wire blade 4; column 1, line 24 – column 2, line 16; see Figures 1-4).

With respect to the limitations of claim 15, Johnson discloses including moving the heated elongate element (wire blade 4; column 1, line 24 – column 2, line 16; see

Figures 1-4) along the surface of the skin of an area from which hair is to be removed by hand (wire blade 4; column 1, line 24 – column 2, line 16; see Figures 1-4).

Johnson discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for b) an electrostatically charged element adapted for collecting cut hair; collecting the hair cuttings from the skin of the user with an electrostatically charged element; collecting the cut hair into a receptacle; and a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing.

However, an electrostatically charged element for collecting hair having the structure asserted above is known in the art. Kelman, for example, teaches a hair cutting apparatus comprising an electrostatically charged element adapted for collecting cut hair (page 6, line 24 – page 7, line 3). Kelman further discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40); including moving the heated elongate element along the surface of the skin of an area from which hair is to be removed by hand (see Figures 1A, 1B, 2A, 3A, 4); and the elongate element being located external to the housing (see Figure 4). Kelman further teaches such a configuration provides a means of collecting loose hairs.

With respect to the claim 18 and 24, Kelman additionally discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and

attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Similarly, DE20206181 teaches a suction and electrostatic charged device for collecting loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor (English translation abstract), thereby increasing the operating efficiency of the apparatus.

Therefore, in view of Kelman, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the hair cutting and singing apparatus with the electrostatically charged element and configuration thereof, adapted for collecting cut hair to collect loose hairs, since as evidenced by DE20206181, utilizing such a configuration provides a means to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element for collecting hair) was made part of the ordinary capabilities of one skilled in the art based

upon the teaching of such improvement in Kelman and DE20206181. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Johnson and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element for collecting hair in Johnson would positively provide a means to collect loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

21. Claims 16, 19-23 and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. Patent No. 3,093,724) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181) as applied to claims 7, 9-11, 13-15, 18 and 24 above, and further in view of Birmingham (U.S. Patent No. 3,045,345).

With respect to the limitations of claims 19, 21, 25, 27, 31 and 33, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). In addition, Kelman teaches the electrostatically charged element being opposite the cutting element (laser beam 18).

With respect to the limitations of claim 20, 22, 23, 26, 28, 29, 32, 35 and 36, Kelman discloses the electrostatically charged element comprising a hair collecting

receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element.

With respect to the limitations claims 30 and 34, Kelman discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Johnson in view of Kelman and DE20206181 discloses all of the limitations of the claimed invention, as previously set forth, except for the electrostatically charged element being charged by friction of the element with the skin of a user as it is moved along the skin; the electrostatically charged element contacts the skin after the hair has been cut.

However, an electrostatically charged element being charged by friction as it is moved along the skin is known in the art. Bermingham, for example, teach a shear plate (14) constructed of a dielectric material that is adapted to develop a static electrical

charge by friction, a charge is developed and retained therein on being brought into contact with the skin (column 1, lines 14-20; column 2, lines 26-55). Bermingham further teaches the advantage of such a configuration automatically provides an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Johnson in view of Kelman and DE20206181 with the electrostatically charged element being charged by friction as it is moved along the skin of Bermingham in order to automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element being charged by friction as it is moved along the skin) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Bermingham. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Johnson in view of Kelman and DE20206181 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element being charged by friction as it is moved along the skin

in Johnson in view of Kelman and DE20206181 would positively automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

As asserted above, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). Bermingham teaches the contacting surface (plate 14) contacting the skin during the shaving process. Since Kelman discloses the electrostatically charged element being opposite the heated elongated element (laser beam 18), as asserted above, and Bermingham teaches the electrical static generating surface being in contact with the skin, Johnson in view of Kelman, and DE20206181 and Bermingham fully meets "the apparatus is adapted to be moved along the skin and wherein the outcropping is spaced from the heated elongate element such that the electrostatically charged element contacts the skin after the hair has been cut" given its broadest reasonable interpretation.

Again, as asserted above, Kelman teaches the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element, as asserted above. Bermingham further teach the electrostatically charging plate (14) being on the contact face of the hair cutting device.

22. Claims 7, 9-11, 13-15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kneisley (U.S. Patent No. 3,176,114) in view of Kelman (U.S. Patent

No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181).

With respect to the limitations of claim 7, Kneisley discloses a hair cutting apparatus (Title) comprising a structure (see Figures 1-3) adapted for contacting an area of skin having hair (hair singer would have to contact skin in order to cut/singe hair), the apparatus comprising: a) a heat-generating heated elongate element (removable singeing element or wire 6; column 1, lines 21-28, 48-55; column 2, lines 26-29; see Figures 1-3) producing heat heated to a temperature sufficient to cut hair, mounted on the structure (column 1, lines 21-28; column 2, lines 26-29).

With respect to the limitations of claim 9, Kneisley discloses the heated element being a wire (removable singeing element or wire 6).

With respect to the limitations of claim 10, Kneisley discloses the apparatus being a hand held apparatus (see Figures 1-4) adapted to be pressed against the skin of a user and cut hair on said skin (column 1, lines 21-28; column 2, lines 26-29).

With respect to the limitations of claim 11, Kneisley discloses a method of collecting cut hair, comprising: a) cutting hair with a heated elongate element (removable singeing element or wire 6; column 1, lines 21-28, 48-55; column 2, lines 26-29; see Figures 1-3).

With respect to the limitations of claim 14, Kneisley discloses the heated elongate element being a wire (removable singeing element or wire 6; column 1, lines 21-28, 48-55; column 2, lines 26-29; see Figures 1-3).

With respect to the limitations of claim 15, Kneisley discloses including moving the heated elongate element (removable singeing element or wire 6; column 1, lines 21-28, 48-55; column 2, lines 26-29; see Figures 1-3) along the surface of the skin of an area from which hair is to be removed by hand (column 1, lines 21-28; column 2, lines 26-29).

Kneisley discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for b) an electrostatically charged element adapted for collecting cut hair; collecting the hair cuttings from the skin of the user with an electrostatically charged element; collecting the cut hair into a receptacle; and a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing.

However, an electrostatically charged element for collecting hair having the structure asserted above is known in the art. Kelman, for example, teaches a hair cutting apparatus comprising an electrostatically charged element adapted for collecting cut hair (page 6, line 24 – page 7, line 3). Kelman further discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40); including moving the heated elongate element along the surface of the skin of an area from which hair is to be removed by hand (see Figures 1A, 1B, 2A, 3A, 4); and the elongate element being located external to the housing (see Figure 4). Kelman further teaches such a configuration provides a means of collecting loose hairs.

With respect to the claim 18 and 24, Kelman additionally discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also discloses a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Similarly, DE20206181 teaches a suction and electrostatic charged device for collecting loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor (English translation abstract), thereby increasing the operating efficiency of the apparatus.

Therefore, in view of Kelman, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the hair cutting and singing apparatus with the electrostatically charged element and configuration thereof, adapted for collecting cut hair to collect loose hairs, since as evidenced by DE20206181, utilizing such a configuration provides a means to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element for collecting hair) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Kelman and DE20206181. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Kneisley and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element for collecting hair in Kneisley would positively provide a means to collect loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

23. Claims 16, 19-23 and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kneisley (U.S. Patent No. 3,176,114) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181) as applied to claims 7, 9-11, 13-15, 18 and 24 above, and further in view of Bermingham (U.S. Patent No. 3,045,345).

With respect to the limitations of claims 19, 21, 25, 27, 31 and 33, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam

18). In addition, Kelman teaches the electrostatically charged element being opposite the cutting element (laser beam 18).

With respect to the limitations of claim 20, 22, 23, 26, 28, 29, 32, 35 and 36, Kelman discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element.

With respect to the limitations claims 30 and 34, Kelman discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also discloses a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Kneisley in view of Kelman and DE20206181 discloses all of the limitations of the claimed invention, as previously set forth, except for the electrostatically charged element being charged by friction of the element with the skin of a user as it is moved

along the skin; the electrostatically charged element contacts the skin after the hair has been cut.

However, an electrostatically charged element being charged by friction as it is moved along the skin is known in the art. Bermingham, for example, teach a shear plate (14) constructed of a dielectric material that is adapted to develop a static electrical charge by friction, a charge is developed and retained therein on being brought into contact with the skin (column 1, lines 14-20; column 2, lines 26-55). Bermingham further teaches the advantage of such a configuration automatically provides an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kneisley in view of Kelman and DE20206181 with the electrostatically charged element being charged by friction as it is moved along the skin of Bermingham in order to automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element being charged by friction as it is moved along the skin) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Bermingham. Accordingly, one of ordinary skill in the art would have been capable of

applying this known "improvement" technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Kneisley in view of Kelman and DE20206181 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element being charged by friction as it is moved along the skin in Kneisley in view of Kelman and DE20206181 would positively automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

As asserted above, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). Bermingham teaches the contacting surface (plate 14) contacting the skin during the shaving process. Since Kelman discloses the electrostatically charged element being opposite the heated elongated element (laser beam 18), as asserted above, and Bermingham teaches the electrical static generating surface being in contact with the skin, Kneisley in view of Kelman, and DE20206181 and Bermingham fully meets "the apparatus is adapted to be moved along the skin and wherein the outcropping is spaced from the heated elongate element such that the electrostatically charged element contacts the skin after the hair has been cut" given its broadest reasonable interpretation.

Again, as asserted above, Kelman teaches the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element, as

asserted above. Bermingham further teach the electrostatically charging plate (14) being on the contact face of the hair cutting device.

24. Claims 7, 9-11, 13-15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter (U.S. Patent No. 3,474,224) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181).

With respect to the limitations of claim 7, Carter discloses a hair cutting apparatus (Title) comprising a structure (see Figures 1, 2) adapted for contacting an area of skin having hair (hair singer would have to contact skin in order to cut/singe hair), the apparatus comprising: a) a heat-generating heated elongate element (electrical heating elements 22-24; column 2, lines 32-40; column 3, lines 7-23; see Figures 1, 2) producing heat heated to a temperature sufficient to cut hair, mounted on the structure (Abstract; column 1, lines 57-68; column 1, lines 21-28; column 3, lines 7-23).

With respect to the limitations of claim 9, Carter discloses the heated element being a wire (electrical heating elements 22-24).

With respect to the limitations of claim 10, Carter discloses the apparatus being a hand held apparatus (see Figures 1, 2) adapted to be pressed against the skin of a user and cut hair on said skin (Abstract; column 1, lines 57-68; column 1, lines 21-28; column 3, lines 7-23).

With respect to the limitations of claim 11, Carter discloses a method of collecting cut hair, comprising: a) cutting hair with a heated elongate element (electrical heating elements 22-24; column 2, lines 32-40; column 3, lines 7-23; see Figures 1, 2).

With respect to the limitations of claim 14, Carter discloses the heated elongate element being a wire (electrical heating elements 22-24; column 2, lines 32-40; column 3, lines 7-23; see Figures 1, 2).

With respect to the limitations of claim 15, Carter discloses including moving the heated elongate element (electrical heating elements 22-24; column 2, lines 32-40; column 3, lines 7-23; see Figures 1, 2) along the surface of the skin of an area from which hair is to be removed by hand (Abstract; column 1, lines 57-68; column 1, lines 21-28; column 3, lines 7-23).

Carter discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for b) an electrostatically charged element adapted for collecting cut hair; collecting the hair cuttings from the skin of the user with an electrostatically charged element; collecting the cut hair into a receptacle; and a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing.

However, an electrostatically charged element for collecting hair having the structure asserted above is known in the art. Kelman, for example, teaches a hair cutting apparatus comprising an electrostatically charged element adapted for collecting cut hair (page 6, line 24 – page 7, line 3). Kelman further discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting

means; page 10, claim 9) and a comb portion (40); including moving the heated elongate element along the surface of the skin of an area from which hair is to be removed by hand (see Figures 1A, 1B, 2A, 3A, 4); and the elongate element being located external to the housing (see Figure 4). Kelman further teaches such a configuration provides a means of collecting loose hairs.

With respect to the claim 18 and 24, Kelman additionally discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also discloses a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Similarly, DE20206181 teaches a suction and electrostatic charged device for collecting loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor (English translation abstract), thereby increasing the operating efficiency of the apparatus.

Therefore, in view of Kelman, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the hair cutting and singing apparatus with the electrostatically charged element and configuration thereof, adapted for collecting cut hair to collect loose hairs, since as evidenced by DE20206181, utilizing such a configuration provides a means to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element for collecting hair) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Kelman and DE20206181. Accordingly, one of ordinary skill in the art would have been capable of applying this known "improvement" technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Carter and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element for collecting hair in Carter would positively provide a means to collect loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

25. Claims 16, 19-23 and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter (U.S. Patent No. 3,474,224) in view of Kelman (U.S. Patent

No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181) as applied to claims 7, 9-11, 13-15, 18 and 24 above, and further in view of Bermingham (U.S. Patent No. 3,045,345).

With respect to the limitations of claims 19, 21, 25, 27, 31 and 33, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). In addition, Kelman teaches the electrostatically charged element being opposite the cutting element (laser beam 18).

With respect to the limitations of claim 20, 22, 23, 26, 28, 29, 32, 35 and 36, Kelman discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element.

With respect to the limitations claims 30 and 34, Kelman discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for

holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing" given its broadest reasonable interpretation.

Carter in view of Kelman and DE20206181 discloses all of the limitations of the claimed invention, as previously set forth, except for the electrostatically charged element being charged by friction of the element with the skin of a user as it is moved along the skin; the electrostatically charged element contacts the skin after the hair has been cut.

However, an electrostatically charged element being charged by friction as it is moved along the skin is known in the art. Bermingham, for example, teach a shear plate (14) constructed of a dielectric material that is adapted to develop a static electrical charge by friction, a charge is developed and retained therein on being brought into contact with the skin (column 1, lines 14-20; column 2, lines 26-55). Bermingham further teaches the advantage of such a configuration automatically provides an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Carter in view of Kelman and DE20206181 with the electrostatically charged element being charged by friction as it is moved along the skin of Bermingham in order to automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element being charged by friction as it is moved along the skin) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Bermingham. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Carter in view of Kelman and DE20206181 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element being charged by friction as it is moved along the skin in Carter in view of Kelman and DE20206181 would positively automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

As asserted above, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). Bermingham teaches the contacting surface (plate 14) contacting the skin during the shaving process. Since Kelman discloses the electrostatically charged element being opposite the heated elongated element (laser beam 18), as asserted above, and Bermingham teaches the electrical static generating surface being in contact with the skin, Carter in view of Kelman, and DE20206181 and Bermingham fully meets “the apparatus is adapted to be moved along the skin and

wherein the outcropping is spaced from the heated elongate element such that the electrostatically charged element contacts the skin after the hair has been cut" given its broadest reasonable interpretation.

Again, as asserted above, Kelman teaches the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element, as asserted above. Bermingham further teach the electrostatically charging plate (14) being on the contact face of the hair cutting device.

26. Claims 7, 9-11, 13-15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrtarie (U.S. Patent No. 4,254,324) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181).

With respect to the limitations of claim 7, Vrtarie discloses a hair cutting apparatus (Title) comprising a structure (see Figures 1, 2, 4) adapted for contacting an area of skin having hair (hair singe would have to contact skin in order to cut/singe hair), the apparatus comprising: a) a heat-generating heated elongate element (heating element 34 being a bar; column 3, lines 42-48; see Figure 4) producing heat heated to a temperature sufficient to cut hair, mounted on the structure (column 3, lines 38-55; column 4, lines 2-9, 30-54).

With respect to the limitations of claim 9, Vrtarie discloses the heated element being a wire ((heating element 34 being a bar).

With respect to the limitations of claim 10, Vrtarie discloses the apparatus being a hand held apparatus (see Figures 1, 2, 4) adapted to be pressed against the skin of a user and cut hair on said skin (column 3, lines 38-55; column 4, lines 2-9, 30-54).

With respect to the limitations of claim 11, Vrtarie discloses a method of collecting cut hair, comprising: a) cutting hair with a heated elongate element (heating element 34 being a bar; column 3, lines 42-48; see Figure 4).

With respect to the limitations of claim 14, Vrtarie discloses the heated elongate element being a wire (heating element 34 being a bar; column 3, lines 42-48; see Figure 4).

With respect to the limitations of claim 15, Vrtarie discloses including moving the heated elongate element (heating element 34 being a bar; column 3, lines 42-48; see Figure 4) along the surface of the skin of an area from which hair is to be removed by hand (column 3, lines 38-55; column 4, lines 2-9, 30-54).

Vrtarie discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for b) an electrostatically charged element adapted for collecting cut hair; collecting the hair cuttings from the skin of the user with an electrostatically charged element; collecting the cut hair into a receptacle; and a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing.

However, an electrostatically charged element for collecting hair having the structure asserted above is known in the art. Kelman, for example, teaches a hair cutting apparatus comprising an electrostatically charged element adapted for collecting

cut hair (page 6, line 24 – page 7, line 3). Kelman further discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40); including moving the heated elongate element along the surface of the skin of an area from which hair is to be removed by hand (see Figures 1A, 1B, 2A, 3A, 4); and the elongate element being located external to the housing (see Figure 4). Kelman further teaches such a configuration provides a means of collecting loose hairs.

With respect to the claim 18 and 24, Kelman additionally discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Similarly, DE20206181 teaches a suction and electrostatic charged device for collecting loose hairs in order to prevent the cutting of hairs from falling in the wash

basin or on the floor (English translation abstract), thereby increasing the operating efficiency of the apparatus.

Therefore, in view of Kelman, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the hair cutting and singing apparatus with the electrostatically charged element and configuration thereof, adapted for collecting cut hair to collect loose hairs, since as evidenced by DE20206181, utilizing such a configuration provides a means to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element for collecting hair) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Kelman and DE20206181. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Vrtarie and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element for collecting hair in Vrtarie would positively provide a means to collect loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

27. Claims 16, 19-23 and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrtarie (U.S. Patent No. 4,254,324) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181) as applied to claims 7, 9-11, 13-15, 18 and 24 above, and further in view of Bermingham (U.S. Patent No. 3,045,345).

With respect to the limitations of claims 19, 21, 25, 27, 31 and 33, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). In addition, Kelman teaches the electrostatically charged element being opposite the cutting element (laser beam 18).

With respect to the limitations of claim 20, 22, 23, 26, 28, 29, 32, 35 and 36, Kelman discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element.

With respect to the limitations claims 30 and 34, Kelman discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically

charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets "a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing" given its broadest reasonable interpretation.

Vrtarie in view of Kelman and DE20206181 discloses all of the limitations of the claimed invention, as previously set forth, except for the electrostatically charged element being charged by friction of the element with the skin of a user as it is moved along the skin; the electrostatically charged element contacts the skin after the hair has been cut.

However, an electrostatically charged element being charged by friction as it is moved along the skin is known in the art. Bermingham, for example, teach a shear plate (14) constructed of a dielectric material that is adapted to develop a static electrical charge by friction, a charge is developed and retained therein on being brought into contact with the skin (column 1, lines 14-20; column 2, lines 26-55). Bermingham further teaches the advantage of such a configuration automatically provides an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vrtarie in view of Kelman and DE20206181 with the electrostatically charged element being charged by friction as it is moved along the skin of Bermingham in order to automatically provide an attracting force for hair without

additional hardware, thereby improving the operational efficiency of the hair cutting device.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element being charged by friction as it is moved along the skin) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Bermingham. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Vrtarie in view of Kelman and DE20206181 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element being charged by friction as it is moved along the skin in Vrtarie in view of Kelman and DE20206181 would positively automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

As asserted above, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). Bermingham teaches the contacting surface (plate 14) contacting the skin during the shaving process. Since Kelman discloses the electrostatically charged element being opposite the heated elongated element (laser beam 18), as asserted above, and Bermingham teaches the electrical static generating

surface being in contact with the skin, Vrtarie in view of Kelman, and DE20206181 and Bermingham fully meets "the apparatus is adapted to be moved along the skin and wherein the outcropping is spaced from the heated elongate element such that the electrostatically charged element contacts the skin after the hair has been cut" given its broadest reasonable interpretation.

Again, as asserted above, Kelman teaches the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element, as asserted above. Bermingham further teach the electrostatically charging plate (14) being on the contact face of the hair cutting device.

28. Claims 7, 9-11, 13-15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto (U.S. Patent No. 5,064,993) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181).

With respect to the limitations of claim 7, Hashimoto discloses a hair cutting apparatus (Abstract) comprising a structure (whole document) adapted for contacting an area of skin having hair (hair treating implement would have to contact skin in order to cut hair), the apparatus comprising: a) a heat-generating heated elongate element (heating wire 3; whole document) producing heat heated to a temperature sufficient to cut hair, mounted on the structure (whole document).

With respect to the limitations of claim 9, Hashimoto discloses the heated element being a wire (heating wire 3).

With respect to the limitations of claim 10, Hashimoto discloses the apparatus being a hand held apparatus (see Figures 1, 2, 4) adapted to be pressed against the skin of a user and cut hair on said skin (whole document).

With respect to the limitations of claim 11, Hashimoto discloses a method of collecting cut hair, comprising: a) cutting hair with a heated elongate element (heating wire 3; whole document).

With respect to the limitations of claim 14, Hashimoto discloses the heated elongate element being a wire (heating wire 3; whole document).

With respect to the limitations of claim 15, Hashimoto discloses including moving the heated elongate element (heating wire 3; whole document) along the surface of the skin of an area from which hair is to be removed by hand (whole document).

Hashimoto discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for b) an electrostatically charged element adapted for collecting cut hair; collecting the hair cuttings from the skin of the user with an electrostatically charged element; collecting the cut hair into a receptacle; and a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing.

However, an electrostatically charged element for collecting hair having the structure asserted above is known in the art. Kelman, for example, teaches a hair cutting apparatus comprising an electrostatically charged element adapted for collecting

cut hair (page 6, line 24 – page 7, line 3). Kelman further discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40); including moving the heated elongate element along the surface of the skin of an area from which hair is to be removed by hand (see Figures 1A, 1B, 2A, 3A, 4); and the elongate element being located external to the housing (see Figure 4). Kelman further teaches such a configuration provides a means of collecting loose hairs.

With respect to the claim 18 and 24, Kelman additionally discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets “a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing” given its broadest reasonable interpretation.

Similarly, DE20206181 teaches a suction and electrostatic charged device for collecting loose hairs in order to prevent the cutting of hairs from falling in the wash

basin or on the floor (English translation abstract), thereby increasing the operating efficiency of the apparatus.

Therefore, in view of Kelman, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the hair cutting and singing apparatus with the electrostatically charged element and configuration thereof, adapted for collecting cut hair to collect loose hairs, since as evidenced by DE20206181, utilizing such a configuration provides a means to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element for collecting hair) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Kelman and DE20206181. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Hashimoto and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element for collecting hair in Hashimoto would positively provide a means to collect loose hairs in order to prevent the cutting of hairs from falling in the wash basin or on the floor, thereby increasing the operating efficiency of the apparatus.

29. Claims 16, 19-23 and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto (U.S. Patent No. 5,064,993) in view of Kelman (U.S. Patent No. WO 92/166338) and (German Publication No. DE 20206181 U1 – hereafter being designated DE20206181) as applied to claims 7, 9-11, 13-15, 18 and 24 above, and further in view of Bermingham (U.S. Patent No. 3,045,345).

With respect to the limitations of claims 19, 21, 25, 27, 31 and 33, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). In addition, Kelman teaches the electrostatically charged element being opposite the cutting element (laser beam 18).

With respect to the limitations of claim 20, 22, 23, 26, 28, 29, 32, 35 and 36, Kelman discloses the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element.

With respect to the limitations claims 30 and 34, Kelman discloses the apparatus for removing loose hairs (vacuum apparatus 24) being opposite the heated elongate element (laser beam 18) (see Figure 4). Kelman also disclose a comb (40) being constructed as part of the vacuum apparatus (24) which arranges both loose and attached hairs (42). In addition, Kelman discloses an electrostatically charged element may be used instead of the vacuum apparatus (24) for collecting cut hair (page 6, line 24 – page 7, line 3). Such a substitution would be relatively in the same approximate location as the vacuum apparatus (24), therefore, the location of the electrostatically

charged element would be approximate the comb (40) as well. Therefore, the electrostatically charged element/comb combination fully meets "a housing adapted for holding by a user wherein the electrostatically charged elongate element comprise an outcropping from the housing" given its broadest reasonable interpretation.

Hashimoto in view of Kelman and DE20206181 discloses all of the limitations of the claimed invention, as previously set forth, except for the electrostatically charged element being charged by friction of the element with the skin of a user as it is moved along the skin; the electrostatically charged element contacts the skin after the hair has been cut.

However, an electrostatically charged element being charged by friction as it is moved along the skin is known in the art. Bermingham, for example, teach a shear plate (14) constructed of a dielectric material that is adapted to develop a static electrical charge by friction, a charge is developed and retained therein on being brought into contact with the skin (column 1, lines 14-20; column 2, lines 26-55). Bermingham further teaches the advantage of such a configuration automatically provides an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hashimoto in view of Kelman and DE20206181 with the electrostatically charged element being charged by friction as it is moved along the skin of Bermingham in order to automatically provide an attracting force for hair without

additional hardware, thereby improving the operational efficiency of the hair cutting device.

Similarly, the examiner asserts use of known technique to improve similar devices in the same way is obvious to one of ordinary skill in the art. That is, the manner of enhancing a particular device (providing an electrostatically charged element being charged by friction as it is moved along the skin) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Bermingham. Accordingly, one of ordinary skill in the art would have been capable of applying this known “improvement” technique in the same manner to the prior art hair cutting apparatus and method of collecting hair of Hashimoto in view of Kelman and DE20206181 and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized that providing an electrostatically charged element being charged by friction as it is moved along the skin in Hashimoto in view of Kelman and DE20206181 would positively automatically provide an attracting force for hair without additional hardware, thereby improving the operational efficiency of the hair cutting device.

As asserted above, Kelman teaches the hair cutting apparatus (see Figure 4) being moved along the skin and the outcropping (comb 40) being spaced from the heated elongated element (laser beam 18). Bermingham teaches the contacting surface (plate 14) contacting the skin during the shaving process. Since Kelman discloses the electrostatically charged element being opposite the heated elongated element (laser beam 18), as asserted above, and Bermingham teaches the electrical static generating

surface being in contact with the skin, Hashimoto in view of Kelman, and DE20206181 and Bermingham fully meets "the apparatus is adapted to be moved along the skin and wherein the outcropping is spaced from the heated elongate element such that the electrostatically charged element contacts the skin after the hair has been cut" given its broadest reasonable interpretation.

Again, as asserted above, Kelman teaches the electrostatically charged element comprising a hair collecting receptacle (inherent in a hair collecting means; page 10, claim 9) and a comb portion (40) adjacent the electrostatically charged element, as asserted above. Bermingham further teach the electrostatically charging plate (14) being on the contact face of the hair cutting device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN J. RALIS whose telephone number is (571)272-6227. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen J Ralis/
Primary Examiner, Art Unit 3742

Stephen J Ralis
Primary Examiner
Art Unit 3742

/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742

/KAREN M. YOUNG/
Director, Technology Center 3700

Application/Control Number: 10/535,536
Art Unit: 3742

Page 91

Application/Control Number: 10/535,536
Art Unit: 3742

Page 92